IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.58 OF 2006

The State of Maharashtra ...Applicant

Vs.

Satish Yadavrao Bhosale ...Respondent

Shri A.S.Shitole, A.P.P. for the Applicant.

Shri M.B.Gawade for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 28, 2006.

P.C.:

1. Heard the learned A.P.P. for the Applicant. The acquittal of the Respondent is for offences punishable under sections 7, 13(1)(d) read with section 13(2) of the Prevention of Corruption Act.

2. One of the grounds on which the Respondent has been acquitted is that the officer who has granted sanction for prosecution was not an officer who was lawfully authorised to grant sanction.

3. The sanction was granted by P.W.3 who was at the relevant time a Deputy Secretary in Revenue and Forest Department, Mantralaya, Mumbai. The case of the Applicant was that power to appoint and remove the employees in the cadre of City Survey Officer was

delegated to her in view of Rule 13 of the Maharashtra State Rules of Business. After appreciating the evidence of P.W.3, the learned Trial Judge held that apart from showing the power of delegation under Rule 13 of the said Rules, it was not established that the power was infact delegated to P.W.3 who had issued sanction. It was held that there was no evidence to show that power was delegated to P.W.3. The P.W.3 was not the appointing authority of the accused.

4. In view of this position, a finding has been recorded that the sanction granted for prosecution was not valid.

5. After having heard the Advocates appearing for the parties, I find that no case is made out for grant of leave. Application is accordingly rejected.

JUDGE